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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,509	01/23/2001	Thomas Rudolph Batcha	ALT-0001	2815

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EXAMINER

INGBERG, TODD D

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 12/22/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

APL

Office Action Summary

Application No.

09/767,509

Applicant(s)

BATCHA ET AL.

Examiner

Todd Ingberg

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/23/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: _____

DETAILED ACTION

Claims 1 – 26 have been examined.

Oath/Declaration

1. It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56. The Applicant has selected to swear behind on 37 CFR 1.56(a) and not all of 37 CFR 1.56. The United States Patent Office does not offer the option of selecting portions of 37 CFR 1.56. A new oath and declaration is required.

Drawings

2. The drawings were accepted but fail to show details as to how to implement. The disclosure is a high level teaching. Correction would add new matter.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 – 26 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. for the detail required to be a teaching to one of ordinary skill in the art which is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The Specification does not provide sufficient detail to teach one of ordinary skill to build a translator, to add options to a graphic object, to write code supporting a dynamic memory allocation control unit, to have a translator size data structures outside a high level languages

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capabilities. The Specification covers portions of a page for 9 pages. Technical details are left to what one of ordinary skill in the art must know, which leaves a reader to wonder if one of ordinary skill must know so much to reduce the teaching to practice without undo experimentation then what is patentable in the disclosure?

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 – 7, 10-11,13-20,23 and 25 are rejected under 35 U.S.C. 102(a,b,e) as being anticipated by Visual Object-Oriented Programming (**VOOP**) Concepts and Environments, M.M. Burnett et al (published 1994).

Claim 1

VOOP anticipates a system for designing, testing, and employing graphical computer code comprises (**VOOP**, Vampire in Chapter 7, pages 130 – 159): a graphics editor for creating a graphical display made up of a plurality of graphical objects constructed by the graphics editor (**VOOP**, page 133, icon editor to make graphical rules), a translator for creating a high-level computer language code, the translator connected to the graphics editor; and a compiler receiving the high level computer language code from the translator (**VOOP**, as defined in Chapter 4 page 68 – 71 – Chapter 4 titled “The Design of a Completely Visual OOP Language”).

Claim 2

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The system of claim 1. further including : a run time system connected to the graphics editor, the run time system designed to execute a graphical design. (VOOP, As per claim 1 the rule example).

Claim 3

The system of claim 1, further including: a control editor connected to the graphics editor. (VOOP, Page 138, constraint dialog box and pages 74 – 78 Control constructs).

Claim 4

The system of claim 1, further including: a library of graphical objects connected to the graphics editor. (VOOP, page 257, library of metapatterns).

Claim 5

The system of claim 1, wherein the translator includes an option of translating a graphical objects graphical representation.(VOOP, pages 133 – Fuzzy icons contains rules not taken into account during the matching process).

Claim 6

The system of claim 1, wherein the translator includes an option of translating a graphical objects input stimulus. (VOOP, page 136, Textual Constraint makes Smalltalk code to test (stimulus).

Claim 7

The system of claim 1, wherein the translator includes an option of translating a graphical objects control logic (VOOP, as per claim 1 the translation of rules).

Claim 10

A method for designing, testing, and employing graphical computer code including:

(a) creating a graphical object with a graphics editor;

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(b) translating a graphical object of the graphical display into a high level computer language code;

(c) compiling the high level computer language code.

As per the rejection for claim 1.

Claim 11

The method of claim 10, wherein step (c) further includes:

(cl) identifying a target processor for a compiler.

In the broadest reasonable interpretation this is inherent for a compiler to target a processor. The emitter for a compiler emits code for a specific machine by definition of an emitter.

Claim 13

The method of claim 10, wherein step (b) further includes:

(bl) translating a graphical objects input stimulus;

(b2) translating a graphical objects control logic;

(b3) translating a graphical objects graphical representation.

As per the rejection for claim 1 the Vampire is a graphical programming language.

Claim 14

The method of claim 10, wherein step (a) further includes:

(al) creating an animation sequence by example;

(a2) creating an animation input stimulus.

(VOOP, pages 49 Pictorially in Programming, animation, pages 116,175,191 and 192)

Claim 15

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VOOP anticipates a system for designing testing and employing graphical computer code comprises :a graphics environment for creating a graphical display made up of a plurality of graphical objects constructed by the graphics environment; a translator for creating a high-level computer language code, the translator connected to the graphics environment; and a control editor connected to the graphics environment. (VOOP, as per claim 1 and the Rules editor and Textual Constraints and action, pages 136 – 139).

Claim 16

The system of claim 15, further including: a library of components within the graphics environment. (VOOP, page 257, library of metapatterns).

Claim 17

The system of claim 15, further including: a run time system within the graphics environment, the run time system designed to execute a graphical design. As per claim 1 the example of Rule.

Claim 18

The system of claim 15, wherein the translator includes an option of translating a graphical objects input stimulus. As per rejection of claim 6.

Claim 19

The system of claim 15, wherein the translator includes an option of translating a graphical objects control logic. (VOOP, Page 138, constraint dialog box and pages 74 – 78 Control constructs).

Claim 20

The system of claim 15, wherein the translator includes an option of translating a graph representation. (VOOP, page 74- 78, graphs to code)

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Claim 23

VOOP anticipates a translation system for designing, testing, and employing graphical computer code comprising: an array builder for constructing a data array from a plurality of graphical objects (VOOP, page 75, states chart from the different states is an array); a code builder for translating a high-level computer language code from the array data; and a library of computer code operations connected to the code builder. As per claim 1.

Claim 25

The system of claim 23, wherein the library of computer code operations comprises a library of computer code operations comprises a library of files for generating an animation, stimulus, and control code. (VOOP, page 257, library of metapatterns, pages 49 Pictorially in Programming, animation, pages 116,175,191 and 192)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8, 12, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over VOOP (such as claim 1)as above in view of runtime support of an Object Oriented Language such as a UNIX.

Claim 8

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The system of claim 1 wherein the translator includes an option of allowing dynamic memory allocation.

Claim 12

The method of claim 10. wherein step (b) further includes:

(b1) examining a plurality of objects to be translated:

(b2) determining if a dynamic memory allocation is selected;

(b3) when the dynamic memory allocation is not selected, selecting a memory allocation size.

Claim 21

The system of claim 15, wherein the translator includes an option of allowing dynamic memory allocation.

Claim 26

The system of claim 23. wherein the code builder includes a dynamic memory allocation choice.

Official Notice is taken that a multitasking operating system such as UNIX supports dynamic memory allocation. therefore it would have been obvious to one of ordinary skill in the art at the time of invention to utilize an environment like UNIX because dynamic memory allocation supports the instantiation (constructor) of objects and the destructor of objects as well as the need for garbage collection.

Claims 9, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over VOOP as above in view of the inherent features of storage allocation considerations in software development tools.

Official Notice is taken that software development tools must allocate resources to data stores and these stores must be determined. This task is inherent in development tools (compiler or

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interpreter). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to size a data store, because resources must be allocated for each data store.

Claim 9

The system of claim 1, wherein the translator sizes a data structure.

Claim 22

The system of claim 15, wherein the translator sizes a data structure.

Claim 24

The system of claim 23, wherein the code builder includes a data sizing function.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. The VOOP manual should be taken as a whole. The Vampire product was selected for this office action. The book covers several graphical tools that generate code.

Correspondence Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Todd Ingberg** whose telephone number is (703) 305-9775. The examiner can normally be reached during the following hours:

Monday	Tuesday	Wednesday	Thursday	Friday
6:15 – 1:30	6:15- 3:45	6:15 – 4:45	6:15-3:45	6:15-130

This schedule began December 1, 2003 and is subject to change.

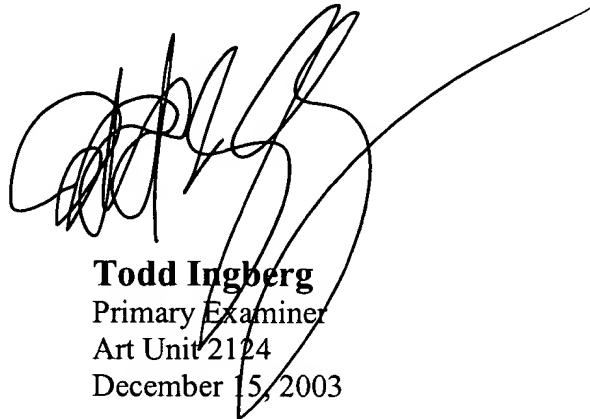
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kakali Chaki** can be reached on (703) 305-9662. Please, note that as of August 4, 2003 the **FAX number** changed for the organization where this application or proceeding is assigned is (703) 872-9306.

Also, be advised the United States Patent Office **new address** is

Post Office Box 1450

Alexandria, Virginia 22313-1450

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.



Todd Ingberg
Primary Examiner
Art Unit 2124
December 15, 2003